

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MARGARET SMITH, individually and
on behalf of the estate of LORINE KING,
DECEASED, KERMIT MCAFEE, and
LEOLA WATTS

PLAINTIFFS

V.

CIVIL ACTION NO.
3:06-CV-25-B-A

MCGARTLAND & BORCHARDT, LLP,
and MICHAEL P. MCGARTLAND

DEFENDANTS

ORDER

Defendants McGartland & Borchardt LLP, et al, seek an order striking the plaintiffs' first and second supplemental pre-discovery disclosures of core information [docket no. 87] filed on April 18, 2008. The discovery deadline in this case was April 3, 2008, and the deadline for dispositive motions and motions challenging another party's experts was April 18, 2008. Defendants received the supplemental disclosures on March 12, 2008, but waited five weeks to file the motion to strike, over two weeks after the expiration of the discovery deadline. RULE 7.2(B)(2) of the UNIFORM LOCAL RULES OF THE UNITED STATES DISTRICT COURTS FOR THE NORTHERN AND THE SOUTHERN DISTRICTS OF MISSISSIPPI requires that discovery motions be filed sufficiently in advance of the discovery deadline so as not to affect the deadline. Filing the motion after the expiration of the discovery deadline and on the day of the dispositive motions deadline did not allow for adequate time for the defendants to respond and for the court to make its ruling before the discovery deadline as that deadline had already expired. Finally, defendants did not include a Good Faith Certificate to the motion to strike plaintiffs' disclosures as required

by RULE 37.1(A) of the LOCAL RULES, which is also grounds for denial of their motion. For these reasons, it is

ORDERED

That defendants' motion to strike the plaintiff's first and second supplemental pre-discovery disclosures of core information is **denied**.

This, the 2nd day of July, 2008.

____/s/ S. ALLAN ALEXANDER_____
U.S. MAGISTRATE JUDGE